

FEDERAL COMMUNICATIONS COMMISSION
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February 26, 2009

Roy E. Henderson
13999 South West Bayshore Drive
Traverse City, Michigan 49684

Re: WCUZ(FM), Bear Lake, Michigan
Facility Identification Number: 57416
Roy E. Henderson
Special Temporary Authorization

Dear Mr. Henderson:

This is in reference to the request filed July 19, 2007, on behalf of Roy E. Henderson ("REH"). REH requests special temporary authority ("STA") to operate Station WCUZ from a site other than the licensed site.¹ In support of the request, REH states that Station WCUZ has been operating under STA which expired on January 16, 2009; that, due to extreme weather conditions and unauthorized use of the transmitter's electric supply by vagrants, the transmitter went off the air on or about January 5, 2009. REH states that steps have been taken to provide a proper electrical supply to the transmitter, and requests reinstatement of the STA. REH further states that its application for construction permit to permanently relocate the station is pending.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

Our review indicates that the proposed STA operation complies with the foregoing criteria.

Accordingly, the request for STA IS HEREBY GRANTED. Station WCUZ may operate with the following facilities:

Geographic coordinates:	44° 24' 20" N, 86° 8' 59" W (NAD 1927)
Channel	261 (100.1 MHz)
Effective radiated power:	0.4 kilowatt (H&V)
Antenna height:	
above ground:	10 meters

¹ WCUZ is licensed for operation on Channel 261A (100.1 MHz) with effective radiated power of 3 kilowatts (H&V) and antenna height above average terrain of 100 meters.

² For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

³ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

above mean sea level: 274 meters
Above average terrain: 46 meters

REH must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **August 26, 2009**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau